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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/921,849 | 08/03/2001 | Jesus Matey | BAI525360/01361 | 8634 |
| 24118 | 7590 | 12/01/2005 | EXAMINER | |
| HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119 | | | CHANG, SHIRLEY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/921,849 | MATEY ET AL. | |
| | Examiner | Art Unit | |
| | Shirley Chang | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/27/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 12, 13, and 14, have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "no user intervention is required") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, and 9-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Magura et al. (US 6111614).

As to claim 1:

- The claimed "display screen and a broadcast data receiver for the reception of data broadcast from a broadcaster at a remote location" is met by "The system has an antenna 3, an integrated receiver/decoder 2 (IRD), a remote controller 5, and a monitor 4" (column 4, lines 14-25) and "FIG. 13 illustrates one embodiment of a display of an electronic program guide 1301 with the program broadcast 1310 on a screen 1320. The electronic program guide 1301 includes the broadcast channel number 1330, the broadcast network identification 1332, the program title 1334, the start and end times for a program 1336, the current day 1338, the current date 1340, and the current time 1342." (column 8, lines 47-56).
- The claimed "said data including any or any combination of video, audio and/or auxiliary data, at least part of said data being processed by the broadcast data receiver generate an electronic program guide," is met by "The transport IC 24 receives the data stream, consisting of packets of data, from the error correcting circuit 23 and directs portions of the data stream to the appropriate circuit for processing. The data stream sent from the satellite, includes video data in the format specified by the Motion Pictures Expert Group standard (MPEG), MPEG audio data and electronic programming guide (EPG) data," (column 4, lines 41-57).
- The claimed "said electronic program guide containing information relating to a range of programs available for viewing at that instant or in the future and displaying said electronic program guide on the display screen, wherein a facility

allowing a user to select to view from the electronic program guide, for a pre-determined period of time, a visual display of each, or a predetermined selection, of the programs available for viewing at that instant or for a particular time period in the future" is met by 'As noted above, EPG data includes guide data, channel data and program data which are stored in the Data Buffer (RAM) of the IRD (as shown in FIG. 3). When a viewer selects a channel, the CPU of the system determines the packet containing the channel information and extracts the transponder number from the channel information' (column 6, lines 36-3). In addition, object 4A in figure 2 (meets claimed "displaying said electronic program guide on the display screen" and "wherein a facility allowing a user to select to view from the electronic program guide"). Furthermore, 'FIG. 13 illustrates one embodiment of a display of an electronic program guide 1301 with the program broadcast 1310 on a screen 1320. The electronic program guide 1301 includes the broadcast channel number 1330, the broadcast network identification 1332, the program title 1334, the start and end times for a program 1336, the current day 1338, the current date 1340, and the current time 1342' (column 8, lines 47-56). Also, "in any television system a user can channel surf by skipping from channel to channel in sequence using the channel "up" or "down" buttons" (column 1, lines 52-64).

- The claimed "and, on user selection of the facility, the broadcast data receiver shows each program in sequence for said pre-determined period of time until a user makes a selection of a particular program being shown, or until all the

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programs available, or the pre-determined selection of programs, have been shown for the pre-determined period of time" is met by "Moreover, in any television system a user can channel surf by skipping from channel to channel in sequence using the channel "up" or "down" buttons" (column 1, lines 52-64), wherein the user may 'pre-determine the period of time' with respect to the frequency of channel changing. Once the user decides to choose one of the channels to watch from his channel surfing selection, he effectively ceases channel surfing, thereby 'making a selection of a particular program being shown.'

As to claim 3,

- The claimed "said pre-determined period of time for which each program can be viewed is determined by the broadcaster is met by figure 6, which shows the start time and time length of a program, or 'the programs to be transmitted on a channel during a predetermined time frame' (column 6, lines 11-27).

As to claim 4,

- The claimed "said pre-determined period of time for which each program can be viewed is determined by the user and, on selection the pre-determined period of time, the broadcast date receiver displays the programs for the user selected period of time" is met by "Moreover, in any television system a user can channel surf by skipping from channel to channel in sequence using the channel "up" or "down" buttons" (column 1, lines 52-64), wherein the user may 'pre-determine the period of time' with respect to the frequency of channel changing. Effectively, the

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receiver displays the programs for 'the user selected period of time,' since the user decides how long to spend on each channel while surfing.

As to claim 5,

- The claimed "programs available for viewing using the facility are a number of Programs pre-selected in relation to any user and/or user defined groupings" is met by "Moreover, the multiple channel broadcasting system allows the user to designate certain programs as favorite programs. Consequently, the multiple channel broadcasting system of one embodiment of the present invention displays icons that provide the user with the status of the programs while viewing the electronic program guide" (column 14, lines 13-28). Also, 'the selected category 2106 is displayed along with the electronic subcategory guide 2102 and the electronic program guide 2104. The electronic subcategory guide 2102 includes a number of subcategories 2108. The broadcast system identifies programs on channels that correspond to each subcategory contained in the electronic subcategory guide 2102' (column 13, lines 55-67).

As to claim 6,

- The claimed "programs being shown via the facility are based on the user's favorite channel and/or program list is met by as discussed in claim 5.

As to claim 7,

- The claimed "programs available for viewing using the facility are a number of programs identified on the basis of user defined subject matter input into the system is met by "If the user, typically using the broadcast system remote control, selects one of the categories from the electronic category guide, then the

display of the electronic category guide is replaced with a display of an electronic subcategory guide. FIG. 21 illustrates the display of an electronic subcategory guide 2102 with an electronic program guide 2104 in one embodiment of the present invention. The selected category 2106 is displayed along with the electronic subcategory guide 2102 and the electronic program guide 2104. The electronic subcategory guide 2102 includes a number of subcategories 2108. The broadcast system identifies programs on channels that correspond to each subcategory contained in the electronic subcategory guide 2102. The programs that correspond to the particular categories of the electronic subcategory guide 2102 are indicated or highlighted on the electronic program guide. The status of the system pointer is shown and changed as the pointer is moved about the display" (column 13, lines 55-67).

As to claim 9,

- The claimed "user is able to select a particular program for watching subsequently after the display of all the programs is met by "Because the number of television broadcasting stations accessible today includes hundreds of stations, many viewers channel surf until they find a channel that has a desirable program. Channel surfing refers to the process of using the channel plus or minus key to sequentially view each channel. While some viewers find channel surfing among hundreds of stations enjoyable, some viewers prefer a more direct method of program selection. For this reason, an embodiment of the system of the present invention uses two modes, a non-channel surfing mode and a

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channel surfing mode, from which a user may select channels to view" (column 11, lines 34-44).

As to claim 10,

- The claimed "textual message is generated on screen for each program being shown via the facility to inform the user of details relating to each of the said programs is met by 1302 in figure 13.

As to claim 11,

- The claimed "selections made from the group consisting of selection of the facility, selection of the subject matter to which the programs shown via the facility relate" is met by "the user typically uses the broadcast system remote control" (column 13, lines 55-67) and "a user may select an electronic category guide for display using the buttons on the remote control" (column 9, lines 39-62).
- The claimed "selection of the pre-determined period of time for which the programs are shown for and/or selection of a particular program to subsequently be viewed, are achieved via a remote control device used in conjunction with the broadcast data receiver" is met by is met by FIG. 4 which shows a representation of a remote control utilized to tune television stations, and as addressed in claims 3 and 4.

As to claim 12,

- The claimed "being connected to or integrally formed with a display screen and receiving data from a broadcaster at a remote location" is met as shown in figure 2.

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- The claimed "said data including any or any combination of video, audio and/or auxiliary data, at least part of said data being processed by the broadcast data receiver to generate an electronic program guide containing information relating to a range of programs for viewing at that instant or in the future and displaying said electronic program guide on the display screen, wherein said broadcast data receiver is provided with a facility allowing a user to select to view from the electronic program guide, for a pre-determined period of time, a visual display for each, or a pre-determined selection, of the programs available for viewing for a particular time period" is met as discussed in claim 1.
- The claimed "and, on user selection of the facility, the broadcast data receiver shows each program in sequence for said pre-determined period of time until a user makes a selection of a particular program being shown, or until all the programs available, or the pre-determined selection of programs, have been shown for the pre-determined period of time" is met by "Moreover, in any television system a user can channel surf by skipping from channel to channel in sequence using the channel "up" or "down" buttons" (column 1, lines 52-64), wherein the user may 'pre-determine the period of time' with respect to the frequency of channel changing. Once the user decides to choose one of the channels to watch from his channel surfing selection, he effectively ceases channel surfing, thereby 'making a selection of a particular program being shown.'

As to claim 13,

- The claimed “being generated by a broadcast data receiver for display on a display screen “said electronic program guide containing information relating to a range of programs for viewing at that instant or in the future wherein a facility is provided by the broadcast data receiver for selection by a user using the electronic program guide allowing the user to select to view, for a pre-determined period of time, a visual display for each, or a pre-determined selection, of the programs available for viewing for a particular time period” is met as discussed in claim 1.
- The claimed “and, on user selection of the facility, the broadcast data receiver shows each program in sequence for said pre-determined period of time until a user makes a selection of a particular program being shown, or until all the programs available, or the pre-determined selection of programs, have been shown for the pre-determined period of time” is met by “Moreover, in any television system a user can channel surf by skipping from channel to channel in sequence using the channel “up” or “down” buttons” (column 1, lines 52-64), wherein the user may ‘pre-determine the period of time’ with respect to the frequency of channel changing. Once the user decides to choose one of the channels to watch from his channel surfing selection, he effectively ceases channel surfing, thereby ‘making a selection of a particular program being shown.’

As to claim 14,

- The claimed "A method of reviewing a number of programs identified an electronic program guide, said electronic program guide being generated from a broadcast data receiver for display on a display screen, said electronic program guide containing information relating to a range of programs for viewing at that instant or in the future, said method including the steps of a user selecting to view, for a pre-determined period of time, all or a pre-determined selection, of programs available for viewing at that instant or for a particular time period in the future, and said broadcast data receiver generating visual displays for each of said programs in sequence for said pre-determined time periods is met by as discussed in claim 1.
- The claimed "and, on user selection of the facility, the broadcast data receiver shows each program in sequence for said pre-determined period of time until a user makes a selection of a particular program being shown, or until all the programs available, or the pre-determined selection of programs, have been shown for the pre-determined period of time" is met by "Moreover, in any television system a user can channel surf by skipping from channel to channel in sequence using the channel "up" or "down" buttons" (column 1, lines 52-64), wherein the user may 'pre-determine the period of time' with respect to the frequency of channel changing. Once the user decides to choose one of the channels to watch from his channel surfing selection, he effectively ceases channel surfing, thereby 'making a selection of a particular program being shown.'

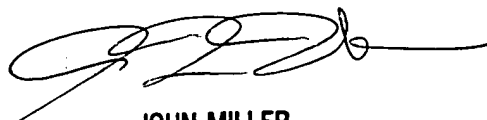
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal flourish extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600